

## FISHER HEARING

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you, if discretion had been shown in that direction, would you regard that as an unwise policy?"

Ashford, after some thought, admitted he would.

Aiken said he thought the land laws of the Territory are sadly in need of revision. It was originally copied from the land laws of New Zealand. He would divide the public lands into three divisions for handling—one, the sugar lands he would have leased to sugar planters; all other cultivated land to homesteaders, and the high land, of small value and fit only for grazing, he would lease as such to any applicants.

Fisher then made inquiry into the Territorial laws, affecting the homesteader, who forfeits his rights. Ashford and Aiken agreed that the homesteader was paid back the value of his improvements. Governor Frear, asked if this were so, said it is not. It was the old law, but he said it is true no longer, under the amended laws.

Aiken said that 7 and 8 per cent is the usual and the legal rate of interest. That was disputed.

L. Tenney Peck was called into the discussion as apparently the only banker in the chamber. He said that 8 per cent is the legal rate.

A general laugh was raised when Fisher asked Mr. Peck what the usury rate is, and the latter said he had never tried to use it and therefore was not an authority on that point.

Mr. Aiken, on being excused, asked whether the Secretary intends visiting Maui before returning home. Mr. Fisher said he hopes to be able to visit Maui and inspect some of the homesteading experiments mentioned by the land agent.

In response to a question by Mr. Fisher, Ashford stated his opinion that three years' bona fide residence on homesteads should be sufficient to perfect title in this regard. He also thought that the choice of the homestead system to be followed should rest with the homesteader instead of the Governor or the Territorial administration.

The discussion then turned on legal adjudication of the Governor's discretion under the present laws, and Ashford, while admitting that the Supreme Court has held against the homesteader in the Kalawiki case, said that this case did not involve the question of the Governor's discretion. Attorney Olson thereupon referred to another case, the Graham case, involving the Governor's discretion, had been settled in favor of discretionary powers for the Governor, in the Circuit Court. Secretary Fisher said this would not necessarily mean final adjudication of the question.

Richard Ivers called.

After this, Richard Ivers of Brewer & Co. was called upon and asked as to his ideas on homesteading. Mr. Ivers declared that it would be a good thing for the sugar trade to have the lands held in smaller holdings, provided that the lands would be really worked, as this would solve the pressing labor problem.

He said he thought the plantations would be glad to make contracts with the homesteader.

Referring to possible competition of sugar mills for cane raised by homesteaders, Mr. Ivers said that no mill would be willing to increase its capacity without assurance of a contract of some years.

He declared that there is actual competition among Hilo mills, and that he has never heard of an agreement among mills of this Territory as to the price they would pay for sugar. He also said there is much misconception as to the sugar profits per acre here.

Secretary Fisher then turned to the question of whether there is any "watering" of stock by plantation corporations. Mr. Ivers said that possibly in two or three instances plantations which were unusually and unexpectedly profitable, more might have been put in stock than the actual investment in the plantations.

Asked as to the relative efficiency of various races, Mr. Ivers said this depended on the occupation, saying that Hawaiians were most efficient as teamsters, cowboys, etc.; Portuguese at pick and shovel work, and Japanese at cane hoeing and work of that kind. He said the steady work on the plantations does not appeal to the Hawaiian, and doubted whether the Portuguese working for himself now is as progressive as the Japanese.

He declared that "there is no work in the Hawaiian Islands that the white man can't do if he chooses to do so. There is a good deal of sentiment against a white man working in the fields."

Asked if a successful homesteading system by whites would result in a system of tenant farmers by Japanese or others, he said he didn't know. White men might stay if they could make a good living.

"Do the plantations want to bring these immigrants here as laborers or as land holders?" asked Mr. Fisher crisply.

"In the beginning they might have come as laborers, but I don't think, Mr. Secretary, that you will find that the plantations are in favor of land-holders."

Mr. Ivers also ventured the opinion that if fifteen years ago the islands were cut up into homesteads, that now either the system would be what it is at present or there would be no sugar industry here. A laugh was raised when Mr. Ivers said the plantations are not in business for their health.

Secretary Fisher queried Mr. Ivers as to whether or not, if there had been a law against the large private holdings, the government would have developed the industry. Mr. Ivers doubted if the government could have done it as successfully as private capital has done.

Feeling Against Planters.

The Secretary then asked Mr. Ivers

if he were conscious of any antagonism on the part of the community to the planting interests. Mr. Ivers said he is not conscious of any such feeling except possibly on the part of a few individuals who had lived here a long time and "seen opportunities pass them by."

He also said that the pineapple industry's prosperity depends upon the sugar industry indirectly.

He said three Brewer & Co. plantations near Hilo last year paid an aggregate of about \$850,000 for cane cut in the field last year.

Work for Immigrants.

Mr. Ivers briefly reviewed the work of the Territorial Board of Immigration. He said the Russians, while not good plantations laborers, are good workers in other occupations.

Fisher asked about the obstruction of immigrants going away, bringing up the matter of immigrants arrested as witnesses when trying to get away to the Coast. Ivers said this might have been done in one or two instances, and explained briefly the raids made on Hawaiian labor in the past.

Mr. Ivers told how California objects to immigration largely because of the fact that laborers have been brought from Hawaii and become public charges.

"I can understand the exasperation you feel here when you bring in labor at considerable expense and someone comes along and takes it away from you," smiled Secretary Fisher.

Ivers was asked by Attorney Olson a little later if he knew of any homesteads taken up under Governor Frear's administration which have since been sold or leased. Mr. Ivers said he did not.

This ended the morning hearing except for some desultory questioning on minor points, and Secretary Fisher announced that the hearings will continue at 9:30 o'clock tomorrow morning.

## DETAILED STORY OF FISHER HEARING TODAY

Fisher: Well, gentlemen, we will not wait for the Delegate; Mr. Ashford is here.

Mr. Aiken, will you take one of these chairs over here?

I understand that you are planning to go away at noon and before you go I thought we had better take advantage of your being here to ask you some questions. What is your full name?

Aiken: Worth O. Aiken.

Fisher: Where do you live?

Aiken: In Makawao, Maui.

Fisher: What is your occupation?

Aiken: Small farming generally.

Fisher: When did you first come to the islands?

Aiken: In 1891.

Fisher: And if I may ask, how old were you then?

Aiken: About 18.

Fisher: How soon did you begin to work for yourself?

Aiken: What do you mean?

Fisher: Well I mean independent—of your own accord; tell us how you got into the Government employ.

Aiken: I went into the Government employ when I first came here.

At first I taught school; in fact I practically worked for myself the second day after I landed here.

Fisher: When did you first become what you call a "small farmer"?

Aiken: Well, like many others, I came here and acquired a wife and family and had to do something to support them, so I started to work for myself.

Fisher: What year was that?

Aiken: In 1906.

Fisher: What did you do, tell us about it.

Aiken: Started Small Farming.

Fisher: Well I had to get a house for myself, so I looked around and found a place that was vacant and bought it.

Fisher: Where was this?

Aiken: In Makawao.

Fisher: On what island?

Aiken: Maui.

Fisher: How large a tract was it?

Aiken: Some 300 acres.

Fisher: Did it have a house on it?

Aiken: Yes.

Fisher: Who owned it?

Aiken: At the time I bought it, it belonged to an Englishman named von Tempky.

Fisher: Did he have a title to the land; did you buy it from him?

Aiken: Yes, I bought it from him.

Fisher: What kind of land was it?

Aiken: It was originally planted to coffee. It was well adapted to it. Parts of it were planted in cane. The custom was at that time to plant cane on the upper lands where there was more rainfall; and use the lower lands for dairying purposes.

Fisher: What was it being used for when you bought it?

Aiken: Chiefly for dairying.

Fisher: What did you use it for? Have you ever undertaken to raise any cane on it?

Aiken: No.

Fisher: Are there other small farmers in that vicinity?

Aiken: Yes.

Fisher: There are quite a number?

Aiken: Yes sir.

Fisher: How large tracts do they own?

Aiken: Well, anywhere from 40 to 100 acres.

Fisher: Are they what have been called whites here in this discussion, or Hawaiians, or Portuguese, or Japanese?

Aiken: Well, we have practically all races there—Chinese, Japanese, Portuguese, Hawaiians and "whites," as you call them.

Fisher: Among these people are there those who have small holdings?

Aiken: Yes, sir.

Fisher: Now, do any of them raise cane on the lands?

Aiken: No.

Fisher: In what kind of farming are they usually engaged?

Aiken: Some hundred odd Portuguese families are living just back of us; their chief crop is grapes. There is a winery there and they sell their grapes to the winery. They are also raising a great many vegetables which they take to sell in the plantations camps below.

Fisher: Do they own their lands?

Aiken: They own their own lands.

Fisher: How did they acquire title—by purchase from individuals, or by homesteadings from the Government?

Aiken: Most of them were acquired by purchase; but some were acquired from the Government by homesteading.

Fisher: Had the lands which they acquired ever been used to raise sugar cane?

Aiken: No, they had never been used for that purpose.

Fisher: Was none of this land which is held in small tracts ever used for sugar cane land?

Aiken: Well, with the exception of a part of the tract I have and a little below, that is lower down, but not much of it.

Fisher: Are there large sugar plantations in that vicinity?

Aiken: Yes, within a mile of my place there is a plantation camp, but they are for the most part further down. I believe I am the highest planter in the Territory (in elevation).

Fisher: Would this land belonging to these small holders be adapted to raising sugar cane?

Aiken: Yes, certain varieties.

Fisher: Is there any reason why the lands to which you have referred could not be used to raise sugar cane, except that the people prefer to raise other crops?

Aiken: No, they are not as well adapted to cane raising, but cane can be raised there.

Fisher: The fact that cane is not raised here is not due to any unwillingness on the part of the plantation to take the sugar that is raised?

Will you take Sugar.

Aiken: The plantations are always willing to take any sugar that is raised.

Fisher: When did you become connected with the Government, and in what capacity?

Aiken: In 1901 I was employed in the Tax Department, where I worked for awhile.

Fisher: What duties did you have in this office?

Aiken: I was Deputy Tax Assessor and Collector for the district.

Fisher: Then you are thoroughly familiar with the land situation there.

Aiken: Yes, sir.

Fisher: Have you been connected with the Government ever since?

Aiken: Yes.

Fisher: In what capacity?

Aiken: I was Tax Assessor for some 12 years; and in 1905 I was appointed Land Agent for the district.

Fisher: What are your duties?

Aiken: As Land Agent I supervise the government lands there, chiefly; and after the lands are opened up and cut up into lots for homesteads everything is put in my hands to receive applications; I have general charge over the whole thing.

Fisher: How much land has been opened to homesteaders under your supervision, approximately, of course?

Aiken: I suppose perhaps 8,000 or 7,000 acres.

Fisher: Tell us in your own way what your experience has been with the lands that have been opened up.

Aiken: Well, the first tract opened was in the Nahuiku District, about 100 acres of land. In 1892 great expectations were had for this land as coffee land. It seemed very well adapted as coffee land. However, there seemed to be no money in the coffee industry, as the cost of planting was too great. But most of the settlers proved up by living there the required time. A majority were Portuguese. Some of the lands were taken up by white settlers under special agreements, which contained no residence clause but required that money be put in improvements. Most of the lands were acquired by the settlers and patents issued.

Fisher: What happened after they got their patents?

Aiken: Well, later the coffee industry proved not to be a success. The land then laid idle for some time. Then an attempt was made to start a sugar plantation there.

Fisher: Who attempted to start a sugar plantation there?

Aiken: It was started among the settlers themselves. But it proved a failure, as the land proved not to be adapted to cane, so the plantation was finally closed down. Since that time the lands have been standing idle.

Fisher: Have they been sold?

Aiken: Three rubber companies are planting rubber there now.

Fisher: Who are the people?

Aiken: The holdings are quite numerous.

Fisher: Are they people of large or small means?

Aiken: People of moderate means.

Fisher: Even the rubber experiment is not being carried on by people of large means?

Aiken: No.

Fisher: Well what has happened to that?

Aiken: It is running along all right. The Nahuiku Rubber Company is getting along fine and expect to get enough rubber next year to pay dividends.

Fisher: Are the settlers still living on these lands?

Aiken: Most of them have moved away; but some are working for the rubber company.

Fisher: Then that effort has not resulted in getting a population on the grounds?

Aiken: No, for the reason that the climatic conditions are not favorable, and also due to the matter of transportation.

Fisher: What was the reason for the failure of the coffee plantation?

Reasons for Failure.

Aiken: The chief reason for failure was due to the expense of picking the coffee; with the price they had to pay for labor they could not compete with the market.

Fisher: Was the failure due to high cost of picking, or to the lack of transportation facilities?

Aiken: Well, mostly to high cost of picking, as they didn't get as far as marketing their coffee. But the expense of transportation would have

had a good deal to do with the failure, as the road facilities were poor. The lands are rather high up in the woods and no roads up to the different lots.

Fisher: Now you spoke of the cost of picking—why did it cost so much to pick the coffee?

Aiken: Well labor could not be obtained for less than a dollar a day, and picking is a slow process.

Fisher: Did the settlers themselves pick the coffee?

Aiken: They worked themselves; most of them were Portuguese; but had to hire additional help when the coffee needed to be picked, and the expense was what made it unprofitable.

Fisher: Then they subsequently tried sugar cane on these lands and this turned out badly?

Aiken: Yes.

Fisher: Was this due to the climatic conditions, or to transportation facilities in getting the cane to the mill?

Aiken: The failure was purely due to the character of the soil and climatic conditions. They never got to the point of getting to a mill.

Fisher: With what other homesteading venture are you acquainted?

Aiken: There has been very successful homesteading a little further along, in the nature of opening up small holdings in taro lands in the Hawaiian community. They were given house lots of two or three acres each and from one-half to one acre of taro land. So far they have been very successful and are doing very well.

Fisher: Now where do these people work; do they confine their labor exclusively to their own taro patch, or do they work in the neighboring plantations?

Work on Roads.

Aiken: There is no plantation in that vicinity; but they get work on the roads and trails being built in that locality.

Fisher: Suppose this road work should cease or largely diminish, then they would have to depend upon living upon the produce that they raise. Do you think they could make a living on their own products if this work were taken away from them?

Aiken: Yes, I think they raise sufficient food for themselves there. A good many go down to the Kahului Railroad Company and work; some go to Hana and work on the plantations.

Fisher: How far are these plantations from the homesteads?

Aiken: Hana is about 25 miles; some plantations are 40 or 50 miles.

Fisher: Do the families stay on the homestead, or do they take them with them?

Aiken: They usually stay on the homesteads.

Fisher: This taro land—would it be adapted to sugar cane if these people were not living on it?

Aiken: Yes, but not a great deal of it; but part of it would undoubtedly grow very good sugar cane.

Fisher: Was it government land in the beginning?

Aiken: Yes, sir.

Fisher: What other experiments have been made in homesteading?

Other Experiments.

Aiken: A number of experiments have been made. A tract was opened up in the early days in Kahakuloa. But it was opened up in lots of too large an area. Most of the people who applied for the lots were Hawaiians. The lands were also too dry. There are some very choice taro lands, however, in Kahakuloa. So that each man received a lot of dry land and in addition got his taro land. It proved an entire failure as far as the up-land lands were concerned. One of the requirements was that the lands should be fenced, some of the land. The Hawaiians cultivated the taro lands and paid no attention to the upper lands; the consequence was that in time all the holdings were cancelled.

Fisher: The taro lands were included in the holdings, were they, and cancelled too?

Aiken: Yes, sir. The taro land was a part of the lot.

Fisher: Have these higher lands ever been susceptible to improvement by anybody?

Aiken: They are only good for second class pasture land.

Are they now being used for anything?

They are still being used by Hawaiians for taro lands; the upper lands are now under lease.

To whom are they leased?

They were originally leased in four lots to four Portuguese parties. They are now leased to two white men, I believe.

What did they try to do with it?

Raise taro.

What are the present holders trying to do with it?

Raise taro. By combining the whole four lots and being able to shift back and forth they hope to make something out of it.

Then you don't think that land is a matter of a great deal of importance anyway.

I think that the annual rental the government is securing is worth about half as much as the lands themselves are worth.

What are the facts about any other experiment?

Another tract of about 1000 acres was opened up in the dry section of Kula. That tract was cut up into 50 acre lots. I think a mistake was made at the time, and to be frank, I was very much against opening up the lands at all.

When were they opened up?

In Governor Carter's administration.

You say that you were not in favor of it at the time?

Political Pressure.

No, I was not in favor of it. They were opening them up as agricultural lands and they were only second-class pasture lands. I think it was simply yielding to political pressure that the tract was opened up.

What do you mean by political pressure?

Well, the influence of quite a number of people was brought to bear on the subject, and it was opened up. As I say, if it had been opened up as pasture land it would have been better.

ter. That whole 1,000 acres was practically taken up by four families.

How did the four families manage to take it up in 50 acre lots?

I don't think they were bona fide homesteaders, as some were boys from 15 to 21 years of age.

Were they all boys and men, or were some of them girls?

Some of them were girls.

How were they going to acquire them—go up and live on the land?

The sons and daughters lived there and the old men work the land.

Did they finally acquire patent?

Yes, they finally acquired patent. What have they done with it?

Well the four tracts are fenced in common and pigs are being raised on the land.

Is it not a very high grade of land, then?

No, it is second-class pasture land. What about any other experiment?

Before Frear's Administration.

There are one or two other experiments. Right here I would explain that those experiments to which I have referred were made before Governor Frear's administration.

What since that time?